

REMARKS

Reconsideration of the above-identified application is respectfully requested.

In the present application, Claims 10 and 12-14 were rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants in this response, cancel claims 9-16 thus, obviating the rejection based on these grounds.

In the Official Action, the Examiner further rejected Claims 1, 3, 7, 9, 11 and 15 under 35 U.S.C. §102(e), as being anticipated by Sicola et al. (U.S. Patent No. 7,058,848) (hereinafter "Sicola").

The Examiner did object to Claims 2, 4-6 and 8 as being dependent upon a rejected base claim but did indicate that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, applicants hereby cancel each of originally filed independent Claims 1, 3 and 7 and wholly incorporate the subject matter thereof in each of Claims 2, 4 and 8, respectively, each now re-cast in independent form. It is respectfully submitted that Applicants are not conceding in this application that those cancelled claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

It is noted that in light of the cancellation of Claim 3, the dependency of Claim 6 has been corrected accordingly.

To avoid a potential double patenting rejection as indicated by the Examiner, Applicants are canceling Claims 9-16.

New Claims 17-19 are being added to recapture part of the subject matter included in the canceled claims 9-16, namely, the types of PPRC operations that may be performed in accordance with the invention (e.g., a Time Sharing Operation command, a Flashcopy copy command, a suspend or resynchronize command). Respectfully, no new matter is being entered by this amendment as clear support is found in the original specification, e.g., at paragraphs [0025], [0026].

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven Fischman", with a long, sweeping horizontal line extending to the right.

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